Reg. No. KL/TV/12

©
Government of Kerala
1976

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXI] Trivandrum, Wednesday, 29th September 1976 / 7th Asvina 1898 [No. 538

GOVERNMENT OF KERALA

Agriculture (Forest Special) Department

NOTIFICATION

No. 45889/FS. 1/76/AD. *Dated, Trivandrum, 15th September 1976.*

S. R. O. No. 991/76.—In exercise of the powers conferred by section 17 of the Kerala Private Forests (Vesting and Assignment) Act, 1971 (26 of 1971), the Government of Kerala hereby make the following amendments to the Kerala Private Forests (Vesting and Assignment) Rules, 1974, issued under Notification No. 71470/FS. 1/73/AD dated the 23rd December, 1974 and published as S. R. O. No. 1/75 dated the 23rd December, 1974, in Kerala Gazette Extraordinary No. 4 dated the 2nd January, 1975, namely:—

AMENDMENTS

In the said rules,—

(1) in rule 2, after clause (m), the following clause shall be inserted, namely:—

> "(n) "young person" means a person who has attained the age of eighteen years and has not attained the age of thirty years";

(2) in the proviso to sub-rule (1) of rule 7, for the words "four hectares", the words "three hectares" shall be substituted;

(3) for rule 8, the following rule shall be substituted, namely:—

"*Extent of land to be assigned to various categories.*—Fifty per cent of the lands available for assignment shall be assigned to members of Scheduled Tribes who are willing to take up agriculture as means of their livelihood, preference being given to members of families of Scheduled Tribes residing in the private forests vested in the Government and willing to take up agriculture as means of their livelihood. The remaining extent of lands available for assignment shall be assigned to each of the other categories of persons mentioned in sub-section (1) of section 10 in the following proportions:—

(a) Members of Scheduled Castes who are willing to take up agriculture as means of their livelihood	Twenty per cent.
(b) Agriculturists	Fifteen per cent.
(c) Agricultural labourers	Twenty per cent.
(d) Un-employed young persons belonging to families of agriculturists and agricultural labourers who have no sufficient means of livelihood and who are willing to take up agriculture as means of their livelihood	Ten per cent.
(e) Labourers belonging to families of agriculturists and agricultural labourers, whose principal means of livelihood before the appointed day was the income they obtained as wages for work in connection with or related to private forests and who are willing to take up agriculture as means of their livelihood	Thirty-five per cent

Provided that where in respect of a compact block, sufficient number of persons belonging to any of the said categories are not available, the extent remaining after assignment to the persons of that category shall be assigned to the remaining categories of persons in the order of preference mentioned in rule 9, and an equal extent shall be additionally allotted as far as practicable in any other area for assignment to the said category:

Provided further that the Government may, if they are satisfied that it is necessary to promote the interests of the Scheduled Tribes, allot separate blocks of lands for assignment only to members of the Scheduled Tribes.";

(4) for rule 9, the following rule shall be substituted, namely:—

"9. *Order of preference.*—Subject to the provisions of rule 8, the following order of preference shall be observed in assigning lands to the various categories of persons mentioned in sub-section (1) of section 10, namely:—

(i) members of Scheduled Tribes who are willing to take up agriculture as means of their livelihood;

(ii) members of Scheduled Castes who are willing to take up agriculture as means of their livelihood;

(iii) labourers belonging to families of agriculturists and agricultural labourers whose principal means of livelihood before the appointed day was the income they obtained as wages for work in connection with or related to private forests and who are willing to take up agriculture as means of their livelihood;

(iv) agricultural labourers;

(v) agriculturists; and

(vi) un-employed young persons belonging to families of agriculturists and agricultural labourers, who have no sufficient means of livelihood and who are willing to take up agriculture as means of their livelihood.".

By order of the Governor,

K. V. VIDYADHARAN,

Additional Secretary to Government.

Explanatory Note

(This is not part of the notification but is intended to indicate its purport).

Government have decided to amend the Kerala Private Forests (Vesting and Assignment) Rules, 1974 to achieve the following objects:—

(a) 50% of the Private Forest lands available for assignment shall be assigned to members of Scheduled Tribes, preference being given to members of Tribal families residing in the Private Forest areas vested in the Government.

(b) Of the remaining area, 20% shall be reserved for distribution to members of Scheduled Caste, 15% to Agriculturists, 20% to Agricultural labourers, 10% to un-employed young persons between the age of 18 and 30 and 35% to Agricultural labourers.

(c) Lands to be assigned for cashew cultivation shall be limited to 3 hectares per individual.

The notification is issued to achieve these objectives.

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS,
TRIVANDRUM, 1976.

Reg. No. KL/TV/12

©
Government of Kerala
1976

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXI] Trivandrum, Wednesday, 29th September 1976 / 7th Asvina 1898 [No. 536

GOVERNMENT OF KERALA

Health (G) Department

NOTIFICATION

No. 45274/G3/76/HD. *Dated, Trivandrum, 22nd September 1976.*

The following Notification of the Government of India published in the Gazette of India Extraordinary dated the 20th March, 1976 in Part II—Section 3—Sub-section (ii) is hereby republished for general information.

By order of the Governor,

C. P. Ramakrishna Pillai,
Secretary (Health).

33/3750/MC.

No. P. 15012/2/76-D&MS

GOVERNMENT OF INDIA

Ministry of Health and Family Planning
(Department of Health)

NOTIFICATION

New Delhi, dated the 20th March, 1976.

S. O. No. 218 (E). In exercise of the powers conferred by sub-section (2) of section 1 of the Prevention of Food Adulteration (Amendment) Act, 1976 (34 of 1976), the Central Government hereby appoints the 1st day of April, 1976, as the date on which the provisions of the said Act shall come into force.

(SHRAVAN KUMAR),
Joint Secretary to the
Government of India.

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS,
TRIVANDRUM, 1976.

©
Government of Kerala
1976

Reg. No. KL/TV/12

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXI] Trivandrum, Wednesday, 29th September 1976 / 7th Asvina 1898 [No. 537

GOVERNMENT OF KERALA

Health (G) Department

NOTIFICATIONS

No. 55342/G3/76/HD. *Dated, Trivandrum, 28th September* 1976.

(i)

S. R. O. No. 990/76.—In exercise of the powers conferred by sub-section (i) of section 9 of the Prevention of Food Adulteration Act, 1954 (Central Act 37 of 1954) and in supersession of Notification II (1) No. 50044/G3/75/HD. dated the 24th October, 1975 published as S. R. O. No. 1018/75 in the Kerala Gazette No. 43 dated the 4th November, 1975, the Government of Kerala hereby appoint Shri P. Ravindran Thampi, Health Inspector, Grade II, Corporation of Trivandrum to be a Food Inspector for the purposes of the said Act and assign to him the areas within the Corporation of Trivandrum as the local area within which he shall exercise his powers.

(ii)

In exercise of the powers conferred by sub-section (1) of section 20 of the Prevention of Food Adulteration Act 1954 (Central Act 37 of 1954) and in supersession of Notification II (ii) No. 50044/G3/HD. dated 24th October 1975 published in Kerala Gazette No. 43 dated the 4th November, 1975 the Government of Kerala hereby authorise Shri P. Ravindran Thampi appointed as Food Inspector under sub-section (i) of section 9 of the said Act in the Corporation of Trivandrum, to institute prosecutions for the offences under the said Act.

By order of the Governor,

C. P. Ramakrishna Pillai,
Secretary (Health).

33/3751/MC.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport)

Shri P. Ravindran Thampi has been transferred and posted as Food Inspector in the Corporation of Trivandrum. It is therefore necessary to appoint him as Food Inspector under Section 9 of the P.F.A. Act and authorise him under section 21 to institute prosecutions for the offences under the Act.

The notification is for the above purpose.

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS,
TRIVANDRUM, 1976.

©
Government of Kerala
1976

Reg. No. KL/TV/12

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXI] Trivandrum, Wednesday, 29th September 1976 / 7th Asvina 1898 [No. 539

SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 7860/LA4/76. *Dated, Trivandrum, 29th September 1976.*

The Agricultural Income Tax (Second Amendment) Bill, 1976 together with the Statement of Objects and Reasons and the Financial Memorandum is published, under Rule 69 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

DR. R. PRASANNAN,
Secretary,
Legislative Assembly.

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1976

33/3754/MC.

Fourth Kerala Legislative Assembly
Bill No. 270

THE AGRICULTURAL INCOME-TAX (SECOND AMENDMENT) BILL, 1976

A

BILL

further to amend the Agricultural Income-tax Act, 1950.

Preamble.—WHEREAS, it is expedient further to amend the Agricultural Income-tax Act, 1950, for the purposes hereinafter appearing;

BE it enacted in the Twenty-seventh Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Agricultural Income-tax (Second Amendment) Act, 1976.

(2) It shall be deemed to have come into force on the 1st day of April, 1976.

2. *Amendment of section* 3.—In section 3 of the Agricultural Income-tax Act, 1950 (XXII of 1950) (hereinafter referred to as the principal Act), in sub-section (3), the words "and whose agricultural income exceeds seven thousand rupees" and "or to seven thousand rupees whichever is higher" shall be omitted.

3. *Insertion of new section after section* 18.—After section 18 of the principal Act, the following section shall be inserted, namely:—

"18A. *Agricultural income for purposes of assessment of certain assessees to remain unchanged for three years.*—(1) Notwithstanding anything contained in sections 17 and 18, in the case of any assessee whose agricultural income for the purposes of assessment for the financial year 1976-77 or any subsequent financial year does not exceed twenty-five thousand rupees, the agricultural income-tax payable by him for the two financial years immediately succeeding that financial year shall be determined on the basis of the agricultural income for the purposes of assessment for such financial year:

Provided that nothing contained in this sub-section shall apply for assessment for any financial year if the agricultural income for the purposes of assessment for that financial year exceeds, or is less than, the agricultural income for the purposes of assessment for the immediately preceding financial year by more than fifteen per cent.

(2) Any tax determined under sub-section (1) shall be paid within such time as may be specified in the notice of demand.".

4. *Amendment of Schedule.*—In the Schedule to the principal Act.—

(a) the word and figure "Part I" shall be omitted;

(b) for paragraph (1), the following paragraph shall be substituted, namely:—

"(1) In the case of a person other than a company—

Where the total agricultural income does not exceed Rs. 8000	Nil
Where the total agricultural income exceeds Rs. 8000 but does not exceed Rs. 15,000	17 per cent of the amount by which the total agricultural income exceeds Rs. 8,000.
Where the total agricultural income exceeds Rs. 15,000 but does not exceed Rs. 20,000	Rs. 1,190 plus 20 per cent of the amount by which the total agricultural income exceeds Rs. 15,000.
Where the total agricultural income exceeds Rs. 20,000 but does not exceed Rs. 25,000	Rs. 2,190 plus 30 per cent of the amount by which the total agricultural income exceeds Rs. 20,000.
Where the total agricultural income exceeds Rs. 25,000 but does not exceed Rs. 30,000	Rs. 3,690 plus 40 per cent of the amount by which the total agricultural income exceeds Rs. 25,000.
Where the total agricultural income exceeds Rs. 30,000 but does not exceed Rs. 50,000	Rs. 5,690 plus 50 per cent of the amount by which the total agricultural income exceeds Rs. 30,000.
Where the total agricultural income exceeds Rs. 50,000 but does not exceed Rs. 70,000	Rs. 15,690 plus 60 per cent of the amount by which the total agricultural income exceeds Rs. 50,000.
Where the total agricultural income exceeds Rs. 70,000	Rs. 27,690 plus 70 per cent of the amount by which the total agricultural income exceeds Rs. 70,000.";

(c) in paragraph (3), for the figures "75", the figures "85" shall be substituted.

5. *Repeal and saving.*—(1) The Agricultural Income-tax (Second Amendment) Ordinance, 1976 (7 of 1976), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

The Minister for Finance in his Budget Speech on the 19th March, 1976, announced *inter alia* that—

(1) the exemption limit of agricultural income-tax would be enhanced from Rs. 5000 to Rs. 8000;

(2) the agricultural income-tax rates would be brought on a par with the rates of Central income-tax in force prior to the announcement of the Union Finance Minister in his budget speech on the 15th March, 1976;

(3) as a measure of relief to small agriculturists whose income does not exceed Rs. 25,000 per annum, the assessment procedure would be simplified; and

(4) the rate of tax on foreign companies would be enhanced from 75% to 85%.

2. As the Legislative Assembly was not in session, the Agricultural Income-tax (Second Amendment) Ordinance, 1976 (7 of 1976), was promulgated by the Governor on the 9th July, 1976, to give effect to the above proposals with effect from the 1st April, 1976. The Bill seeks to replace the Ordinance by an Act of the State Legislature.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any expenditure from the Consolidated Fund of the State.

K. M. MANI

©
Government of Kerala
1976

Reg. No. KL/TV/12

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXI] Trivandrum, Wednesday, 29th September 1976 / 7th Asvina 1898 [No. 540

SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 7862/LA4A/76. *Dated, Trivandrum, 29th September 1976.*

The Kerala Land Development (Amendment) Bill, 1976 together with the Statement of Objects and Reasons and the Financial Memorandum is published, under Rule 69 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

Dr. R. Prasannan,
Secretary,
Legislative Assembly.

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS,
TRIVANDRUM, 1976.

33/3756/MC.

Fourth Kerala Legislative Assembly

Bill No. 271

THE KERALA LAND DEVELOPMENT (AMENDMENT) BILL, 1976

A

BILL

further to amend the Kerala Land Development Act, 1964.

Preamble.—WHEREAS it is expedient further to amend the Kerala Land Development Act, 1964, for the purposes hereinafter appearing;

BE it enacted in the Twenty-seventh Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Land Development (Amendment) Act, 1976.

(2) It shall come into force on such date as the Government may, by notification in the Gazette, appoint.

2. *Amendment of Section* 3.—In section 3 of the Kerala Land Development Act, 1964 (17 of 1964) (hereinafter referred to as the principal Act),—

(a) in sub-section (2),—

(i) after item (aa), the following item shall be inserted, namely:—
"(aaa) the Secretary to Government, Agriculture Department, *ex-officio*;";

(ii) for item (e), the following item shall be substituted, namely:—
"(e) the Director of Agriculture (Soil Conservation Unit), *ex-officio*;";

(b) in sub-section (3), for the words "Director of Soil Conservation", the words and brackets "the Director of Agriculture (Soil Conservation Unit)" shall be substituted.

3. *Amendment of section* 6:—In section 6 of the principal Act, in Sub section (1), in item (b), for the words "the District Agricultural Officer", the words "District Soil Conservation Officer" shall be substituted.

4. *Amendment of Section* 13.—In section 13 of the principal Act, for the words "a District Agricultural Officer", the words "District Soil Conservation Officer" shall be substituted.

5. *Amendment of Section* 20.—For sub-section (1) of section 20 of the principal Act, the following sub-sections shall be substituted, namely:—

"(1) The Executing Officer or the Padasekharam Committee, as the case may be, executing the work, shall, as soon as may be after the completion of the work in any land included in a scheme, prepare a statement setting out—

(a) the name of the owner of such land;

(b) the nature and extent of the work carried out in such land;

(c) the total amount to be recovered from the owner;

(d) the period within which such amount is to be recovered;

(e) the person or persons liable to maintain and repair the work;

(f) the right, if any, of the owner as regards the use of the work; and

(g) such other matters as may be prescribed.

(1A) The amount specified in the statement prepared under sub-section (1) as the total amount to be recovered from the owner shall be liable to be enhanced or reduced if on the apportionment of the total cost of the scheme among the beneficiaries it is found that such amount is less or more than the amount due from such owner.

(1B) The statement prepared under sub-section (1) shall be communicated by the Executing Officer or the Padasekharam Committee, as the case may be, to the owner of the land in which the work has been carried out.".

STATEMENT OF OBJECTS AND REASONS

The Secretary to Government, Agriculture Department, is not a member of the Land Development Board constituted under Section 3 of the Kerala Land Development Act, 1964. The Government consider it necessary that he should be one of the *ex-officio* members of the Board.

2. According to sub-section (2)(e) of Section 3 of the Act the Director of Soil Conservation is an *ex-officio* member of the Land Development Board. Similarly sub-section (3) of Section 3 of the Act provides that the Director of Soil Conservation shall be the Secretary to the Board. The post of the Director of Soil Conservation has since been abolished and the Director of Agriculture (Soil Conservation Unit) is now carrying out the functions of the Director of Soil Conservation also. Hence it has become necessary to make the Director of Agriculture (Soil Conservation Unit) an *ex-officio* member and Secretary of the Board instead of the Director of Soil Conservation.

3. Sub-section (1)(b) of section 6 of the Act lays down that an officer of the Government, not below the rank of District Agricultural Officer has to be nominated by the Government to the District Land Development Committee. Section 13 of the Act provides that an officer not below the

rank of District Agricultural Officer shall be appointed to execute the scheme. Consequent on the creation of the posts of District Soil Conservation Officers in all the districts, it has become necessary to substitute the expression "District Soil Conservation Officer" for the expression "District Agricultural Officer" in the above sections.

4. According to section 20 of the Act, the preparation of the record of rights and liabilities commences only after the completion of the entire work comprising several holdings in a scheme. In actual practice, it is seen that work in respect of individual holdings is completed at different dates but record of rights and liabilities could be prepared only after the entire work under the scheme is completed. It is considered that if the record of rights and liabilities in respect of each holding is prepared after the completion of work in that holding without waiting for the completion of the entire work under the scheme, recovery of part of the cost can be effected much earlier. It is therefore proposed to amend section 20 for the above purpose.

5. The Bill is intended to achieve the above objects.

FINANCIAL MEMORANDUM

Clause 2 of the Bill *inter-alia* seeks to amend section 3 of the Kerala Land Development Act to include the Secretary, Agriculture Department as an *ex-officio* member of the Land Development Board. Expenditure from the Consolidated Fund of the State will have to be incurred by way of travelling and daily allowance to him for attending the meetings of the Board. It will not be possible to estimate the additional expenditure that may be involved on this count.

2. According to the existing sub-section (1) of Section 20 of the Act, only a single record of the rights and liabilities in respect of all lands included in a scheme need be prepared. But, according to the new sub-section (1) of section 20 proposed in clause 4, the record of rights and liabilities in respect of each land included in a scheme has to be prepared on completion of the work in that land. Preparation of the record of rights and liabilities in respect of each land will involve additional work and consequently additional expenditure will have to be incurred. It is not, however, possible to estimate the quantum of such additional expenditure at this stage.

VAKKOM PURUSHOTHAMAN

Government of Kerala
1976

Reg. No. KL/TV/12

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXI] Trivandrum, Wednesday, 29th September 1976 / 7th Asvina 1898 [No. 541

SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 7907/LA4/76. *Dated, Trivandrum, 29th September 1976.*

The Kerala Court-fees and Suits Valuation (Second Amendment) Bill, 1976 together with the Statement of Objects and Reasons, and the Financial Memorandum is published, under Rule 69 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

DR. R. PRASANNAN,
Secretary,
Legislative Assembly.

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1976

33/3758/MC

Fourth Kerala Legislative Assembly

Bill No. 272

THE KERALA COURT-FEES AND SUITS VALUATION (SECOND AMENDMENT) BILL, 1976

A

BILL

further to amend the Kerala Court-fees and Suits Valuation Act, 1959.

Preamble.—WHEREAS it is expedient further to amend the Kerala Court-fees and Suits Valuation Act, 1959, for the purpose hereinafter appearing;

BE it enacted in the Twenty-seventh Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Kerala Court-fees and Suits Valuation (Second Amendment) Act, 1976.

2. *Amendment of Schedule II.*—In Schedule II to the Kerala Court-fees and Suits Valuation Act, 1959 (10 of 1960) (hereinafter referred to as the principal Act), in article 10, after clause (j), the following clause shall be inserted, namely:—

"(jj)	(i) Application under section 8 (1) of the Kerala Private Forests (Vesting and Assignment) Act, 1971, to the Tribunal constituted under that Act.	Ten rupees
	(ii) Application to such Tribunal for an inter-locutory order.	Three rupees".

3. *Repeal and saving.*—(1) The Kerala Court-fees and Suits Valuation (Amendment) Ordinance, 1976 (8 of 1976), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act as if this Act had come into force on the 23rd day of July, 1976.

2/3758/MC.

STATEMENT OF OBJECTS AND REASONS

According to section 8 of the Kerala Private Forests (Vesting and Assignment) Act, 1971, where any dispute arises as to whether any land is a private forest or not or any private forest or portion thereof has vested in the Government or not, the person who claims that the land is not a private forest or that the private forest has not vested in the Government may apply to the Tribunal constituted under the said Act for decision of the dispute. The Act did not prescribe or enable the Government to prescribe the rate of court-fee payable on the application to be filed before the Tribunal. Therefore, the rate of court-fee prescribed in the Kerala Court-fees and Suits Valuation Act, 1959, could alone be levied on such applications. It was considered that the rate of court-fee leviable on such applications under the Kerala Court-fees and Suits Valuation Act was too low and that a special provision specifying a higher rate of court-fees on such applications should be made in that Act.

2. As the Legislative Assembly was not in session and as the amendment had to be made immediately, the Kerala Court-fees and Suits Valuation (Amendment) Ordinance, 1976 (8 of 1976), was promulgated by the Governor on the 22nd July, 1976. The Bill seeks to replace the Ordinance by an Act of the Legislature.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any expenditure from the Consolidated Fund of the State.

K. M. MANI.